

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
Brownsville Division**

STATE OF TEXAS, *et al.*

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*

Defendants

Case No. 1:14-cv-254

**NOTICE, SUGGESTION AND RECOMMENDATION FOR ISSUANCE OF
ORDER TO SHOW CAUSE CONCERNING ENFORCEMENT OF COURT'S ORDER
BY AMICUS CURIAE SHERIFF JOE ARPAIO'S**

Seeking to act again in the role of *Amicus Curiae*, Joe Arpaio, elected Sheriff of Maricopa County, Arizona, ("Sheriff Arpaio"), by counsel, hereby respectfully offers this suggestion and notice to the Court, recommending an emergency hearing to order the Defendants to show cause whether they are adhering to and respecting the the Court's temporary injunction order. In support thereof, Sheriff Arpaio's counsel, Larry Klayman states as follows:

Several reports indicate that the Executive Branch under the Obama administration has not complied with this Court's temporary injunction, but continues full-speed to implement a grant of amnesty and related benefits to approximately 5 million citizens of foreign countries who are illegally in the United States under the Defendants' November 20, 2014, executive action programs implemented by several Memoranda issued by Secretary of Homeland Security Jeh Johnson.

At a town hall meeting in Miami, Florida, on February 25, 2015, as reported in "**Obama Says He Won't be Deterred by 'One Federal Judge' on Immigration,**" by Ben Wolfgang,

The Washington Times, February 26, 2015, p. A3, attached as Exhibit 1, President Barack Obama told a Miami crowd that he will move ahead with his executive action on immigration and vowed that his administration will become even more aggressive in the weeks and months to come.

In the town hall meeting sponsored by MSNBC and Telemundo, a Spanish language television network, President Obama stated, according to The Washington Times:

“This is just one federal judge. We have appealed it very aggressively. We’re going to be as aggressive as we can.”

The Obama administration is continuing to signal not only its disagreement with the Court’s order, which is its right, but beyond that its non-compliance with the Court’s order.

On February 20, 2015, a public interest organization, Judicial Watch reported from a source within the U.S. Government contracting industry that the U.S. Department of Homeland Security is continuing at full speed to implement the “deferred action” programs created on November 20, 2014, by Memorandum orders signed by Secretary of Homeland Security Jeh Johnson which this Court enjoined on February 16, 2015.

“The complex contract is being pushed at a “full-throttle pace,” a government source told Judicial Watch on Friday.”

See “**DHS rushing amnesty contracts at ‘full-throttle pace’: source**,” by Kellan Howell, The Washington Times, February 21, 2015, attached as Exhibit 2. ¹ See, also, “**Report: Obama Hustling ‘Full Throttle’ to Set Up Amnesty Contracts**,” ² by Bob Unruh, World Net Daily,

¹ Available on-line at <http://www.washingtontimes.com/news/2015/feb/21/dhs-rushing-amnesty-contracts-at-full-throttle-pac/#ixzz3SQvdJHzo>

² Available on-line at <http://www.wnd.com/2015/02/report-obama-full-throttle-to-set-up-amnesty-contracts/>

February 20, 2015, attached as Exhibit 3. *See, also*, ““Obama defies judge, forges ahead with amnesty,” by Bob Unruh, World Net Daily, February 26, 2015, attached as Exhibit 4. ³

In short, President Obama’s defiant pledge in Miami, Florida, on February 25, 2015, to move forward aggressively with implementation of his deferred action amnesty by executive over-reach casts more than suggests that the Obama administration is continuing to implement the executive action amnesty in defiance of the Court’s temporary injunction.

Given the strong reports that DHS is continuing to implement the programs that the Court enjoined, the Court should issue an order to show cause and call for clarification and assurance from the Defendants that they are and will comply with the Court’s temporary injunction, and if not take immediate remedial actions to insure that the order is being complied with. To expend taxpayers money in violation of this Court’s temporary injunction order would be another affront to the rule of law in the lone line of similar affronts, to put it diplomatically, in defiance of our current immigration laws promulgated by We the Peoples’ representatives in Congress.

In 1994, Larry Klayman, founded “Judicial Watch” as a public interest organization whose motto is “Because No One is Above the Law.” President Obama and his colleagues at DHS are not above the law and this Court’s order must be adhered to and respected. Larry Klayman is no longer associated with Judicial Watch, but he was the founder and served as its Chairman and General Counsel for about 10 years before he left to run for the U.S. Senate in Florida, his home state. After running for the U.S. Senate in Florida, Klayman later founded Freedom Watch, which represents Sheriff Joe Arpaio. Freedom Watch’s mission is to use the court system to promote and protect individual liberties and freedoms on behalf of the American people under the rule of law, thereby upholding the tenets of the U.S. Constitution.

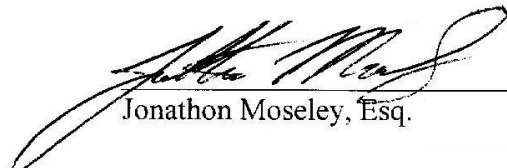
³ Available on-line at <http://www.wnd.com/2015/02/obamas-amnesty-moves-ahead-despite-judges-order/>

As time is of the essence, this suggestion will be supplemented if and when a response is received.

Dated: February 27, 2015

Respectfully submitted,

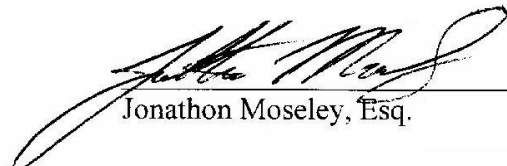
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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing proposed notice and suggestion of *Amicus Curiae* will be delivered electronically on February 27, 2015, to counsel for Plaintiffs and Defendants through the District's Electronic Case Filing system.


Jonathon Moseley, Esq.